

1 On August 18, 2016, defendants filed a second motion to dismiss under Rule 41(b),
2 arguing that they had re-served plaintiff with the motion for summary judgment and unanswered
3 interrogatories, but that plaintiff had still not responded. (Doc. No. 66.) On October 19, 2016,
4 the magistrate judge issued findings and recommendations, recommending that defendants'
5 second motion to dismiss should also be denied, because plaintiff had by then filed an opposition
6 to the motion for summary judgment and provided responses to the interrogatories in question.
7 (Doc. No. 76.)

8 The findings and recommendations addressing both motions were served on the parties,
9 providing fourteen-day deadlines to file written objections thereto with the court. The time for
10 the filing of objections has passed, and no objections have been filed.

11 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C), this court has conducted a
12 *de novo* review of the case. Having carefully reviewed the entire file, the court finds that the
13 findings and recommendations are supported by the record and proper analysis.

14 Accordingly,

- 15 1. The April 4, 2016 findings and recommendations (Doc. No. 65) are adopted in full;
- 16 2. Defendants' first motion to dismiss under Rule 41(b) (Doc. No. 61) is denied;
- 17 3. The October 19, 2016 findings and recommendations (Doc. No. 76) are adopted in
18 full; and
- 19 4. Defendants' second motion to dismiss under Rule 41(b) (Doc. No. 66) is denied; and
- 20 5. This matter is referred back to the assigned magistrate judge for further proceedings.

21 IT IS SO ORDERED.

22 Dated: January 4, 2017

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25 UNITED STATES DISTRICT JUDGE
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